



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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May 31, 2023

BY ECF

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *In Re: New York City Policing During Summer 2020 Demonstrations*,
20 Civ. 8924 (CMJ)(GWG)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York and one of the attorneys assigned to the defense of the above-referenced consolidated matters. Pursuant to the Court's Order at Docket No. 1023, defendants write in response to plaintiffs' letter dated May 30, 2023 at Docket No. 1021.

By way of background, former Deputy Inspector John Kanganis ("DI Kanganis") was designated by defendants to testify as a Rule 30(b)(6) witness with respect to Topics 20 and 21 in the consolidated Rule 30(b)(6) notice, which cover a broad range of subtopics including, but not limited to coordination, cooperation, and response to investigations by various City and State agencies related to the Summer 2020 Protests. *See Exhibit A.* Prior to DI Kanganis' deposition, which was scheduled for April 6, 2023, defendants attempted to clarify and narrow down the scope of the subtopics that DI Kanganis was expected to testify to, but the parties could not come to an agreement as to the scope of the subtopics. On April 6, 2023, DI Kanganis appeared for a deposition. At the deposition, DI Kanganis was unable to provide testimony on certain subtopics. On April 24, 2023, plaintiffs filed a letter motion seeking, among other things, reproduction of DI Kanganis for a continued deposition. *See Dkt. No. 955.* In a good faith attempt to resolve the issue, defendants agreed to produce DI Kanganis for a continued deposition and to cover the court reporting costs. *See Dkt. No. 962.*

On May 2, 2023, plaintiffs emailed defendants stating that they were available on May 16, 2023, and May 18, 2023, for DI Kanganis' continued deposition. *See Exhibit B.* On May 5, 2023,

defendants informed plaintiffs that the two proposed dates did not work for them. *Id.* Plaintiffs then requested that defendants provide two dates the weeks of May 15 or May 22 for the continued deposition although defendants already stated that May 16 and May 18 did not work for defendants. *Id.* On May 8, 2023, defendants informed plaintiffs that there were several high-ranking and 30(b)(6) depositions scheduled for the last two weeks of May. *Id.* Additionally, defendants pointed out that the parties still needed to resolve some questions related to the subtopics that plaintiffs intended to ask DI Kanganis. Given the broad scope of the subtopics DI Kanganis is expected to cover, defendants informed plaintiffs that defendants will need time to prepare DI Kanganis for the continued deposition. *Id.* On May 11, plaintiffs emailed defendants and, among other things, indicated that they were available for DI Kanganis' continued deposition on May 18, May 24, and June 6. *See* Exhibit C. On the same day, defendants emailed back and informed plaintiffs that defendants were working with NYPD to obtain dates for the continued deposition. *Id.* On May 16, plaintiffs emailed defendants and requested a meet and confer to discuss certain issues including the continued deposition of DI Kanganis. *Id.* The parties meet and conferred on May 18, 2023.¹ At the meet and confer, defendants informed plaintiffs that defendants may need to designate an additional witness to cover certain subtopics. On May 19, 2023, defendants emailed plaintiffs informing them that DI Kanganis was not available for deposition before June 16 due to his work commitments.² On May 24, defendants informed plaintiffs that defendants have not received DI Kanganis' availability for the continued deposition. Defendants further indicated that defendants were waiting to hear back from NYPD as to an additional designee for Topics 20 and 21. *Id.* On or about May 25, defendants emailed plaintiffs and informed them that DI Kanganis was unavailable until July due to a scheduled vacation. *Id.* On May 30, plaintiffs filed the instant motion.

a. Defendants did not refuse to schedule the continued deposition.

Defendants attempted in good faith to reschedule DI Kanganis' continued deposition prior to June 16. However, due to the fact that DI Kanganis has retired from NYPD, that he has work obligations, and is currently on a planned vacation, defendants are not able to reschedule DI Kanganis's deposition before June 16. DI Kanganis is retired and is currently traveling on a cross country road trip. He was originally planning on coming home the weekend of July 15-16, but in a good faith effort to schedule his deposition, DI Kanganis provided dates of July 10-12 and can end the trip a week early. Defendants respectfully request that the Court allow DI Kanganis' continued deposition to be scheduled for any date July 10-12.

Thank you for your time and consideration.

Respectfully submitted,



 Sergey Marts
 Assistant Corporation Counsel

cc: ALL COUNSEL (via ECF)

¹ Present for plaintiffs were Lillian Marquez, Gina Bull, Lois Saldana, Molly Bilken, Bobby Hodgson, JP Perry, Margaret Hadley, Tahanie Aboushi; present for defendants were Peter Scutero and Amy Robinson.

² Defendants mistakenly informed plaintiffs that DI Kanganis was unavailable due to work commitments. DI Kanganis is unavailable due to a planned vacation.